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CF1202

IN THE HON'BLE HIGH COURT OF CHHATTISGARH, BILASPUR (C.G.)**WRIT APPEAL NO. 01 /2006 7****APPELLANT****(PETITIONER)**

:

Ravindra Nath,

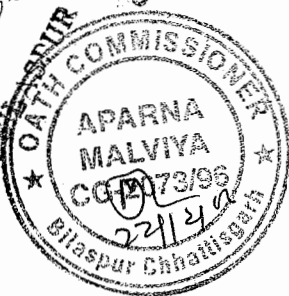
S/o. late Sarad Chandra Nath,
aged about 65 years, R/o. Hemu
Nagar, Bilaspur, District Bilaspur
(C.G.)

P.R. No. 7781/26
Presented by 22/11/06
dated 22/11/06

VERSUS**RESPONDENTS**

1. **District Education Officer,**
Bilaspur (C.G.)
2. Bengali Association, through its
General Secretary, Bilaspur
(C.G.)
3. Secretary, Bengali Association
(School Section) Bilaspur (C.G.)

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22/11/06
W.A. C. P. No. 01/2006



**WRIT APPEAL UNDER RULE 157 (10) OF THE HIGH COURT
OF CHHATTISGARH RULES, 2005 AGAINST THE ORDER
DATED 27.11.06 IN WRIT PETITION No. 2603/98 BY THE
HON'BLE SINGLE JUDGE.**

मामला क्रमांक W.A.No. 01/..... सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>DIVISION BENCH :-</u> <u>HON'BLE MR. L.C. BHADOO, Ag. C.J. &</u> <u>HON'BLE MR. SUNIL KUMAR SINHA. J.</u> <u>07.02.2007</u> Shri M.P.S. Bhatia, counsel for the appellant. Heard of admission. This writ appeal has been filed by the appellant questioning the order dated 27.11.2006 passed by the learned Single Judge of this Court in W.P.No.2603/1998 whereby the writ petition filed by the petitioner questioning his removal order was dismissed. Shri Bhatia argued that without following the procedure laid down in <i>The Chhattisgarh Ashashkiya Shikshan Sanstha (Adhyapakon Tatha Anya Karamcharyon Ke Vetan Ka Sandaya) Adhiniyam, 1978</i> and <i>Chhattisgarh Ashashkiya Shikshan Sanstha (Adhyapakon Tatha Anya Karamcharyon Ko Padachyut Karne Sewa Se Hatane Sambandhi Prikriya) Niyam 1983</i>, the appellant has been removed from service. We have heard counsel for the appellant and have also perused the impugned order. The learned single Judge placing reliance on Annexure R-1 dated 11.4.1984 has held that the provisions of Section 6-A subsection (iii)(iv), sections 6-B and 6-C of the Adhiniyam, 1978 are not applicable to the Aided Religious and Linguistic Minority Institutions. We have perused the order (Annexure R-1) issued by the State Government in which it has been mentioned that the provisions of sub-section (iii) (iv) of Section 6-A, section 6-B and section 6-C of the	

P.T.O.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.A. NO. 01/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश ~2~	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Adhiniyam 1978 are not applicable in case of suspension and removal proceedings in respect of the employees of an Aided Religious and Linguistic Minority Institution. Therefore, the contention of Mr.Bhatia, is without any force as the above provisions are not applicable in case of the petitioner being an employee of Religious and Linguistic Minority Institution. Even after giving due opportunity of hearing to the petitioner, he failed to appear before the Enquiry Officer, therefore, the enquiry was proceeded ex parte. The reasonable opportunity was granted to the petitioner to participate the enquiry proceedings but he failed to appear before the enquiry officer, that is why, the enquiry officer proceeded ex parte. We are of the considered opinion that there is no illegality in the order impugned. Therefore, this appeal is dismissed at the motion stage itself.	
	Sd/- Ag. Chief Justice	Sd/- Sunil Kumar Sinha Judge

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